



Keen Kutter Scissors and Shears

something you can depend upon to hold a good cutting edge. Like all other Keen Kutter goods, they go with a full guarantee against poor material or defects.

The "just as good" kind are sold everywhere. The real thing, marked **KEEN KUTTER** on every pair, sold only by

E. O. Hall & Son, Ltd.

THE BEST to be FOUND

MANILLA ANCHOR LAGER.

(Brewed at Dubb's Ferry, N. Y.)

It is quite easy to get many inferior brands, however, if you would be sure, order a dozen from

LOVEJOY & CO.,
Nuuanu St., Corner of Merchant **TELEPHONE 308**

FONG SING MUST BE SENT AWAY

(Continued from Page 1.)

der other names than the name of the proprietor, the Attorney General of the United States held (see 21 Op. Atty. Genl. 581) that the business need not be conducted in the defendant's name, but his interest must appear in the partnership articles. This was affirmed by the Ninth Circuit Court of Appeals in the case of Lee Kau vs. United States (62 Fed. 914), the court holding that "the interest must be real and appear in the business and partnership articles in his own name."

The chief witness for the defendant, Robert Slaughter, testified that his knowledge of the defendant being a merchant was confined to the fact that defendant had signed checks and drafts in the firm name, as any book-keeper might have done, and witness had seen them cashed at the bank. Witness, however, did not know how many members of the firm there are, he had never seen any articles of co-partnership, he did not know what portion of the business defendant owned, and of his own personal knowledge did not know whether defendant owned an interest in the store or not.

Witness Slaughter further testified that defendant had been employed as an agent or solicitor for a Building and Loan Association of which Slaughter was and is the field manager, although witness qualified his statement by declaring that defendant had not been regularly employed, notwithstanding that he had received compensation. In fact, the testimony of witness in this connection was so evasive that it did not impress the court as being sincere.

Testimony was introduced showing that defendant had at one time had in his possession a certificate signed by various business men of Sacramento declaring that he is a merchant in that city. It was not shown that said certificate had ever been lost or destroyed, and, notwithstanding this fact, considerable evidence regarding the certificate was permitted in order to afford defendant every possible opportunity to show that he is a merchant, as claimed. Considerable stress was laid on the letter addressed to an attorney in San Francisco by the Commissioner of Immigration at Washington, wherein it was stated that no certificate was required by a Chinese merchant on the Mainland in coming to Hawaii, as it was considered only a coasting trip. It seems to the court, however, that the warning in the closing paragraph of the letter that notwithstanding this was only a coasting trip, "it would not conflict with the right of the Government to have defendant arrested and his right to remain in the United States judicially determined," should have put defendant sufficiently on his guard to have been prepared for any emergency. As a matter of fact this letter is not even prima facie evidence of defendant's right to remain here.

This case is one entirely without precedent in the whole history of Chinese exclusion and therefore one that the court has devoted much time to. That the defendant Fong Sing has

long been a resident of the United States is shown by his familiarity with the English language and by his dress and general appearance. He claims to have a wife and children in Sacramento and this was substantiated by the witness Slaughter. That he is not an ordinary Chinese laborer is clearly apparent by the man's appearance and demeanor.

But the question for the court to determine is, whether or not he has proven to the satisfaction of the court by affirmative proof his right to remain here. As was pointed out by this court in the case of Ah Sue, decided August 18, 1902, the whole policy of the exclusion laws is to exclude all but the prescribed limited few. In an opinion by the Attorney General of the United States of July 15, 1898, it was set forth that "the true theory of Chinese exclusion is, not that all Chinese persons may enter who are not forbidden, but only those who are expressly allowed."

A merchant seeking to re-enter the United States without a certificate must prove by two credible white witnesses that he is a merchant and he must establish this fact to the satisfaction of the court. In the case at bar this has not been done. The witness Grange testified that he had no knowledge of defendant being a merchant only that obtained by defendant's own statement and by the statement of others. The witness Slaughter when cross-examined admitted that he had no personal knowledge of what the defendant's share in the business he supposed him to be a partner in amounted to, and he did not know who the partners were. The defendant himself testified that there were no articles of co-partnership. It is a common occurrence for people of all races to invest money in mercantile pursuits and devote their time to other business, but they always have something to show for the investment, and it is absurd to presume that an advanced Chinese, such as the defendant, who had resided for twenty-one years in the United States and possesses a splendid knowledge of the English language, would engage in business in any such lax way as appears in this case.

The testimony further shows that defendant was warned when he arrived in this city on July 1, 1902, that he must furnish satisfactory proof to the Collector of Customs of his right to remain here or he would be arrested. The warrant for his arrest was issued on July 21, 1902, and the defendant did not surrender himself to the marshal until September 13, 1902, more than two months after his arrival. If the certificate signed by Sacramento merchants really existed there seems no good reason why defendant should not have secured it in the interval between the time of his arrival and that of his arrest.

That the defendant has failed to prove his right to remain in the United States by two credible white witnesses as required by law is apparent, and notwithstanding that he has probably resided in the United States for many years and has a wife and children residing in California, he is liable to deportation for not having complied with the law, and the Court orders that he be remanded to the custody of the mar-

Shal with instruction to deport him to the country from whence he came.

A trespass case said to involve a point new to the Hawaiian courts was tried before Judge Hardy at the present term of the Fifth Circuit Court. It was one of damages against a father for personal injury inflicted by his minor son with a gun that he "didn't know was loaded" upon the little daughter of the prosecutor. The case turned on the responsibility of a parent for minor children.

It was two years ago that the ground of action occurred. The then seven-year-old son of Palama was stationed near the doorway of a house, holding in his hands a gun that another youngster had just before pulled the trigger of without producing fire. Victoria, the little daughter of Pihaleo came along, when Palamallili pointed the gun at her with the remark, "It will not shoot." But it did shoot and the bullet entered the girl's eye, blinding it for life.

Victoria by her father and next friend, Pihaleo, brought an action for \$1000 damages against the father of the shooter. Kaeo appeared for the plaintiff and Prosser for the defendant. The jury returned a verdict for \$200 damages. An appeal will probably be carried to the Supreme Court, when the law of the land will be determined as to the responsibility of parents for the torts of their minor children.

The case of Lum Yip against Sheriff J. H. Coney, trespass on account of execution, resulted in a verdict for the sheriff by direction of the court.

Judge Hardy had a jury-waived case to hear today, which, with a lot of naturalizations, would complete the business for the term.

Yoshikawa Dengiro was the first person Judge Hardy, in his long career on the bench, ever had to sentence to death. It proved a severe strain on his sympathy. When he had uttered the words of the formula, "And may God have mercy on your soul," the veteran jurist leaned forward, his face in his hands, and was overcome with emotion.

Jas. A. Thompson, who attended the Kauai term to coach the temporary clerk put in the place of the unfortunate man Berry, returned to town by last night's steamer, as did Charles Creighton the attorney.

KAUAI SHIPPING.

The steamer Kauai arrived in port from Kauai this morning at 2:45 o'clock with 550 bags K. S. M. sugar, 600 V. K., 500 W., 30 bags taro, 35 bundles hides, 1 horse, 38 bags rice bran and 96 packages sundries.

Purser Friel reports the following sugar left at Kauai ports ready for shipment: K. S. M., 150 bags; M. A. K., 1,500, and G. & R., 4,200. The steamer Waiwalele was at Waimea discharging freight. Fine weather on Kauai.

Shal with instruction to deport him to the country from whence he came.

Dated at Honolulu this 17th day of September, A. D. 1902.

EDWIN S. GILL, United States Commissioner.

When Attorney Brooks for the defendant noted an appeal, Commissioner Gill remarked that he was glad to have the matter brought before the higher court to pass upon, as it was without precedent in the American courts.

\$200 FOR A LOST EYE

PARENT'S RESPONSIBILITY FOR HIS CHILD'S ACT

JUDGE HARDY'S FIRST DEATH SENTENCE—TERM OF COURT ON KAUAI CONCLUDING ITS BUSINESS.

See the new Climax Arc Lamp

100 to 600 candlepower. This is the best lamp on the market. Manufactured by The Standard Gas Lamp Company.

Asphaltum, Grades C. D. and natural in lots to suit.

Asphaltum Coating.

Alpine Cement.

Herringbone Expanded Metal Lath.

Ready Rock Roofing.

HAWAIIAN TRADING CO., Ltd
SOLE AGENTS.

1142 Fort Street, Love Building.

Weather Bureau, Punahou, Sept. 17.—Temperature — Morning minimum, 69; Midday maximum, 84.

Barometer at 9 a. m. 29.95. Steady. Rainfall 0.00.

Dew Point 72°F.

Humidity at 9 a. m. 77 per cent.

Diamond Head Signal station, Sept. 17.—Weather cloudy; wind light S.

SHIPPING INTELLIGENCE

DAY.	TIDES.			
	High Tide	Low Tide	High Tide	Low Tide
Monday	5:00 a. m.	1:00 p. m.	5:00 a. m.	1:00 p. m.
Tuesday	4:50 a. m.	1:10 p. m.	4:50 a. m.	1:10 p. m.
Wednesday	4:40 a. m.	1:20 p. m.	4:40 a. m.	1:20 p. m.
Thursday	4:30 a. m.	1:30 p. m.	4:30 a. m.	1:30 p. m.
Friday	4:20 a. m.	1:40 p. m.	4:20 a. m.	1:40 p. m.
Saturday	4:10 a. m.	1:50 p. m.	4:10 a. m.	1:50 p. m.
Sunday	4:00 a. m.	2:00 p. m.	4:00 a. m.	2:00 p. m.
Monday	3:50 a. m.	2:10 p. m.	3:50 a. m.	2:10 p. m.

Full moon on the 17th, 7:53 a. m. Tides from the United States Coast and Geodetic Survey Tables. Hawaiian Standard Time is 10h 30m slower than Greenwich time, being that of the meridian of 157.50. The time whistle blows at 1:30 p. m., which is the same as Greenwich, 6h 0m.

Weather Bureau, Punahou, Sept. 17.—Temperature — Morning minimum, 69; Midday maximum, 84. Barometer at 9 a. m. 29.95. Steady. Rainfall 0.00. Dew Point 72°F. Humidity at 9 a. m. 77 per cent. Diamond Head Signal station, Sept. 17.—Weather cloudy; wind light S.

ARRIVED.

Wednesday, September 17. Stmr. Kauai, Bruhn, from Kauai ports, at 3:45 a. m. Bkt. Kikilua, Cutler, 25 days from Port Ludlow.

DEPARTED.

Tuesday, Sept. 16. S. S. Nevada, Weedon, for San Francisco. Am. bk. S. C. Allen, Johnson, for San Francisco. Str. Lehua, Naopala, for Molokai ports. Str. Mikahala, Gregory, for Kauai ports. Str. Ke Au Hou, Tullett, for Kauai ports. Str. Maui, Bennett, for Maui ports. Gas, schr. Eclipse, Townsend, for Molokai, Maui and Kona ports. Wednesday, September 17. Stmr. Claudine, Parker, for Hilo and way ports, at 9 a. m.

PASSENGERS DEPARTED.

For Hilo and way ports, per stmr. Claudine, Sept. 17.—Mrs. Foster, Miss Griggs, Senator Mitchell, Senator Foster, H. G. Danford, Judge Stanley, Mr. and Mrs. Sammons, Mr. and Mrs. Robertson, Miss Colburn, Mrs. A. F. Judd, Miss F. Koka, Capt. Whiting, Mr. Ritchey, P. F. Mohr, Mrs. Mohr, Senator Thurston, Mrs. Thurston, C. H. Kluegel, A. W. Carter, Mrs. W. Fernandez, Mrs. S. Decker, E. A. Meehling, H. B. Gehr, F. L. Lowell, Cecil Brown, H. E. Cooper, S. M. Mayer, Major Purdy, Chas. Notley, E. M. Boyd and wife, Jane B. Massey, Mrs. E. B. Olding, Mrs. Nawahi, Senator Burton, Mrs. Burton, Col. Samuel Parker, Mrs. Parker, J. A. M. Johnson, Chas. Baldwin, Mrs. M. Aina and child, E. S. Boyd, M. Lorenz, S. Kaloa, J. K. Nakookoo, Prince Jonah Kaimanole and A. Mahaulu.

For Kauai ports, per str. Mikahala, Sept. 17.—Victor S. Clark, A. V. Peters, Wong Kwei, T. A. Kimolo, Mrs. F. C. Bertleman, E. A. Nagle, Chas. Blake, H. C. Apana and Ahoy.

For Kauai ports, per str. Ke Au Hou, Sept. 17.—W. G. Irwin, A. C. Lovekin, W. Cross.

PASSENGERS ARRIVED.

From Kauai ports, per stmr. Kauai, Sept. 17.—E. J. Walker, C. Gay, C. B. Hofgaard, E. C. Ioneye and wife, Ah Keau and wife, Ah Kina, Ah Koi, Kawamoto, J. A. Thompson, Sam Yip, F. Andrade, Ah In, See Wy Man, C. Creighton, S. K. Eguahl, F. Delneri, H. A. Jaeger, S. Lesser, Miss K. Christian, Miss C. Christian, Chang Lil and 80 deck.

HERMAN'S DEPARTURE.

The schooner Herman will, according to the latest advices from Captain Brown, sail tomorrow or on Saturday. "I will sail tomorrow if I can, but if I can't I will sail on Saturday. You don't catch me leaving a port on Friday," said Captain Brown this morning.

The former crew of the schooner has now been discharged and six South Sea Islanders shipped to take their place.

PRONUNCIATION BAD.

The case of Gitsu, alias Nigitsu, charged with fornication, came up in the Police Court this morning. The cases of Gitsu and of a Japanese lady, arrested on the same charge, came up the other day. On that day Gitsu did not answer when his name was called, so his bail was forfeited. The Japanese woman was only fined \$15, and, on seeing this, Gitsu, who was present, asked that he did not recognize his name as pronounced by the court officer. He was fined \$25 today.

Judge Wilcox remarked that the true ignorance of the case was probably that when Gitsu saw that the woman was let down with \$15, he thought that he had a chance to get off easy also, and consequently wanted to be tried.

Special Waist Selling

what woman has enough shirt waists

She can always find a need for one more, especially when such an exceptional opportunity as this is presented. The waists comprise the finest creations in White Lawns, Silk Mulls, Swisses, Madras and Mercerized Fabrics. Mostly with long sleeves and the NEW STOCK COLLARS.

A NEW LOT OF WAISTS

We have just received a big new lot from one of the Best Waist Makers in the country. They come to us at so much less than normal, early summer prices, that we have marked them irresistibly low. In addition to this, many of the waists in our regular stock have been radically reduced. It's the Waist chance of the summer, and the last chance you will have at a fresh, crisp lot of the daintiest NEW YORK WAISTS.

WHITNEY & MARSH, LTD

WHY THEY COME

The work done by the New York Dental Parlors has stood the test of two years in Honolulu. Our oldest patrons are sending their friends to us because their work was satisfactory. Do not experiment. We have established a reputation in Honolulu that is past the experimental stage.

If money is an object to you, come and see us. We will tell you in advance exactly what your work will cost. No charge for examination. All our instruments are thoroughly sterilized.

Hours, 8 to 6; Sundays, 9 to 12. Ladies in attendance.

New York Dental Parlors
Room 4, Elite building, Hotel street, Over Hart & Co's Ice Cream Parlors.

WANTS

For Want Column See Page Six

FOR SALE.

FOR SALE—Bakery on Kauai, with all necessary fixtures, in good condition. Apply ZX, this office. 2253-5w

NEW - TO-DAY

Artistic Floral Pieces

of any design made to order at short notice by the KING ST. FLORIST, also CUT FLOWERS.

T. C. McGUIRE

NOTICE.

There will be a special meeting of the Merchants' Association at the rooms of the Chamber of Commerce at 10 a. m. on Thursday, September 18th, 1902. Every member is requested to be present. Business of importance.

W. W. HARRIS, Secretary.

CHANGE OF TIME.

The time of the Piano Recital to be given by Mr. F. Barron Morley in the new Assembly Hall at Punahou College has been changed to 4 o'clock instead of 3, as advertised. The tickets for this recital are on sale at the Bergstrom Music Co. and Wall, Nichols Co. All school children will be given a special rate.

NOTICE.

Sealed Tenders are invited to supply the Queen's Hospital with pure, fresh milk in such quantities as may be ordered from time to time by the Superintendent.

Tenders to run for one year from October 7th, 1902, and to be handed to Mr. Geo. W. Smith, Secretary Queen's Hospital, on or before Wednesday, September 24, 1902.

Per order:
JOHANNES F. ECKARDT, Superintendent.

2253-1w

NOTICE TO CREDITORS.

The undersigned having been duly appointed Administrator of the Estate of J. S. Smithies, late of Honolulu, Island of Oahu, deceased: Notice is hereby given to all persons to present their claims against the Estate of said J. S. Smithies, deceased, duly authenticated, whether secured by mortgage or otherwise, to the undersigned, at P. O. Box 107, Honolulu, Oahu, within six months from the date hereof or they will be forever barred, and all persons indebted to said estate are hereby requested to make immediate payment to the undersigned.

G. E. SMITHIES, Administrator.

Honolulu, Sept. 15, 1902.
2252-Sept. 18, 25; Oct. 1, 8.

GOMES & McTIGHE,

WHOLESALE LIQUOR DEALERS.
93-95 King St.
HONOLULU, Territory of Hawaii.
Telephone Main 140.

Grand Piano Recital

—AT THE—
NEW ASSEMBLY HALL
PUNAHOU COLLEGE
Friday, Sept. 19th,
AT 4 P. M., BY
MR. F. BARRON MORLEY,
—ASSISTED BY—
MR. ARTHUR HAHN
The Australian Bass.

Tickets on sale at Wall, Nichols Co. and Bergstrom Music Co.

PRICE \$1.00

Under the direction of W. D. Adams.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo-Caline Tablets. All druggists refund the money if it fails to cure. H. W. Groves's signature is on each box. 25 cents.

The Bulletin, 75 cents per month.

JAS. F. MORGAN

Auctioneer and Broker

65 Queen St.

Auction Sale
—OF—
Builders' Material, &c.

On Thursday, September 18, AT 12 O'CLOCK NOON,

At the premises of the Pacific Mill Co., Ltd., at old Enterprise Mill Co. yards, Alakoa street, just below Queen street, I will sell at Public Auction: Builders' Material, Hardware, Sash, Doors, and Blinds, Moldings, Patterns, Also Wagons, 1 Mule, Office Furniture, Sofa, Desk, Typewriter, Moving Tools, 1 Tenner Machine, 1 Sandpaper Machine, Block and Tackle, Lumber, Etc., Etc.

JAS. F. MORGAN, AUCTIONEER.

WE ARE NOT RECTIFIERS.

Our goods come direct from the distilleries and are GUARANTEED Pure and Unadulterated.

Family trade solicited. Orders delivered to any part of the city.

GOMES & McTIGHE,
WHOLESALE LIQUOR DEALERS.
93-95 King St.
HONOLULU, Territory of Hawaii.
Telephone Main 140.

JAS. F. MORGAN

Auctioneer and Broker

65 Queen St



IF YOU WANT modern dentistry at LOW PRICES you can get it by having THE EXPERT DENTISTS in the Arlington Block, 215 Hotel Street, opp. Union, do your work No charge for examination.

Gold Crowns \$5 Silver-Fillings, 50c FULL SET \$5
White Crowns \$5 Gold Fillings, \$1 up TEETH ONLY \$5
Bridge Work (per tooth)

Painless Extraction

All our work FULLY GUARANTEED.

All instruments THOROUGHLY STERILIZED